

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY HEARN, *et ux.* : **CIVIL ACTION**

v. : **NO. 02-CV-3525**

CITY OF PHILADELPHIA, *et al.* :

OFFER OF JUDGMENT PURSUANT TO F.R.CIV.P. RULE 68

TO: Gerald J. Grant, Esquire
1617 John F. Kennedy Boulevard
Suite 800
Philadelphia, PA 19103-1819

Pursuant to Rule 68 of the Federal Rules of Civil Procedure defendant Officer Fuss offers to allow Judgment to be taken against him and in favor of plaintiffs for all claims for damages, costs, attorneys' fees and interest accrued to date, in the amount of forty-five thousand (\$45,000.00) dollars. This offer shall be effective June 3, 2003.

This Offer of Judgment is made solely for the purposes specified in Fed. R. Civ.P. 68 and is not to be construed either as an admission that defendants are liable in this action, or that plaintiff has suffered any damages. Said judgment is to have no effect whatsoever except in settlement of this case. Additionally, this Offer of Judgment is not admissible as evidence in any proceeding, except in a proceeding to determine costs. Finally, this offer is conditioned upon plaintiffs withdrawing their claims against Officer Flynn.

Date: June 3, 2003

CITY OF PHILADELPHIA - LAW DEPARTMENT
NELSON A. DIAZ
City Solicitor

By: _____

EDWARD D. CHEW, JR.
Senior Attorney
1515 Arch Street - 14th Floor
Philadelphia, PA 19102-1595
(215) 683-5420
fax (215) 683-5397

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREGORY HEARN, *et ux.* : CIVIL ACTION

v. : NO. 02-CV-3525

BRIAN FUSS, *et al.* :

CERTIFICATE OF SERVICE

I, **EDWARD D. CHEW, JR.**, Deputy City Solicitor, hereby certify that on the date
below listed, a true and correct copy of the attached pleading was served on the following by
U.S. Mail, postage prepaid:

Gerald J. Grant, Esquire
1617 John F. Kennedy Boulevard
Suite 800
Philadelphia, PA 19103-1819
215.557.0009 *fax* 215.557.0673

DATE: June 3, 2003

CITY OF PHILADELPHIA - LAW DEPARTMENT
NELSON A. DIAZ
City Solicitor

By: _____

EDWARD D. CHEW, JR.
Senior Attorney
1515 Arch Street - 14th Floor
Philadelphia, PA 19102-1595
(215) 683-5420
fax (215) 683-5397
e-mail edward.chew@phila.gov

Attorney for the Municipal Defendant(s)